



Our reference: P-387860-Q0C5
Contact: Kathryn Saunders, Principal Planner
Telephone: (02) 4732 8567

16 November 2022

Department of Planning and Environment
Attn: Susanna Cheng

Email: susanna.cheng@dpie.nsw.gov.au

Dear Susanna Cheng,

**Modification Application - Aspect Industrial Estate
SSD-10448 - MOD-3**

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned modification application. Council has reviewed the application and attachments and provides the below advice.

1. Planning Considerations

(a) Proposal

The applicant is seeking a modification of the Concept Proposal and State 1 Development under SSD-10448 (MOD 3) and is concurrently seeking approval for Warehouse 9 within Stage 2.

The Concept related amendments are as follows:

- Reduction in lot numbers from 11 to 9
- Amendment to Access Road 4,
- The reconfiguration of Warehouse lots 6-11 into lots 6-9, and
- Amended warehouse layouts including for ancillary office areas, landscaping, car parking and hard stand areas.
- Modification of consent to address plan references, noise limitations, and estate wide GFA.

The Stage 1 related amendments are as follows:

- Amended road subdivision plan to provide for subdivision of Access Road 4 and related amendments to impacted civil and landscape plan sets.

Council's advice in relation to the Stage 2 SSDA (under SSD-46516461) for Warehouse 9 (consistent with the proposal under MOD 3) is provided under separate cover letter however, it is understood that the Stage 2 SSDA has a CIV of \$70 million, and seeks approval for the following:

- Civil works including cut and fill and benching of Lot 9,
- Construction of a new 66,341sqm warehouse/distribution facility with a ridge height of 14.6m, inclusive of ancillary office and dock office areas, landscaping, truck manoeuvring areas, on lot stormwater management, 266 car parking spaces and operation of the facility 24hrs/7 days.

(b) Related amendments

The amendments proposed rely on consent being issued for the amendments sought under MOD 2 (currently under assessment with DPE) and MOD 3.

Matters previously in relation to MOD 2 remain outstanding in relation to road designs, landscape and canopy tree matters and streetscape presentation issues and as such, some issues are reiterated herein.

(c) TfNSW Advice

It is not known if TfNSW is supportive of the traffic and road arrangements proposed as part of MOD 2. Amendments to the design which may result from achieving concurrence from TfNSW could result in further alterations to the design being considered under MOD2 and thus MOD 3. The road layout the subject of MOD 3 differs from that available to view under MOD 2.

(d) Design and Architecture

The design and streetscape presentation of the larger warehouses will require careful consideration as these are larger built forms and the negative impacts of their bulk and scale will need to be appropriately mitigated.

It is recommended that Access Road 4 be amended to address the negative impacts resulting from the number of driveway access points located within the turning head, and the safety implications of having heavy and light vehicle access driveways in such close proximity.

The number of driveway crossovers in the cul-de-sac will limit opportunity for street tree planting and will impact pedestrian safety.

Whilst it is noted that there is no significant increase in the number of driveway cross overs previously approved, the serviceable GFA accessible from Access Road 4 is significantly increased and thus safety and vehicle conflicts are to be addressed.

The introduction of an amenity/cafe lot is encouraged. This will be an important addition to the Estate and will provide a much-needed employee amenity. An café or amenity lot must be high in amenity, with quality landscaping and outlook and be easily accessible for workers and visitors within the Estate.

(e) Tree Canopy & Landscaping matters

The proposal is to demonstrate a minimum of 10% canopy tree coverage is provided in accordance with the requirements of the Mamre Road Precinct DCP (**MRP DCP**).

The tree canopy plan submitted for MOD 2 does not demonstrate that the 10% targets will be met, noting the issues Council has previously raised in relation to the locations for canopy trees being unsustainable and/or unsuitable such as:

- in strips along narrow boundaries,
- in areas where levels change and where earth is retained,
- in areas impacted by/or co-located with stormwater pits and pipes, and

- in areas where canopies will be impacted by heavy vehicle manoeuvring and other operational activities (example between Warehouse 2 and Warehouse 3).

- (f) Street tree planting for all public roads is to be provided at 10m maximum centres and is to be shown on plans. The landscape master plan indicates limited street tree planting as noted below in yellow.



1: Landscape masterplan excerpt.

- (g) Tree pits within car parking spaces are to be staggered and not provided in rows. It is recommended that some areas within the central carparking aisles be designed to support a more significant cluster of trees which would assist in breaking up the apparent bulk of the warehouse building, would contribute to canopy cover targets and reduce heat island impacts. As excess car parking, this much needed design improvement is considered achievable.
- (h) Landscape Section G, on Site Image drawing 0013 does not reflect the tree planting on plan. Basin planting indicates trees are to be planted within the basin, although no tree species are indicated in the Basin Planting Schedule (same drawing) and trees are not included in the Basin Section G.

The Site Image Tree Canopy Tree Canopy plan (MOD2_SK001 rev G) lodged under MOD 2 indicates canopy trees in this location. Plans are to correlate and DPE are to ensure targets are met and that calculable canopy will be sustainable to maturity in the selected locations and for the life of the development.

Civil sections across the estate include 1200mm wide concrete dish drains and catch drains within areas for landscaping which in some instances impact viability of proposed landscaping and canopy tree provision.

Civil sections indicate no planting at the boundary between Lot 1 and the basin maintenance track in conflict with the landscape plans (refer conflicting planting at Figure 1 and 2 below).

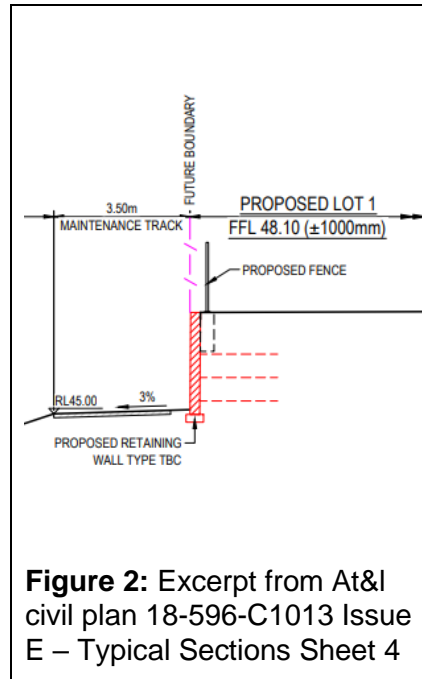


Figure 2: Excerpt from At&I civil plan 18-596-C1013 Issue E – Typical Sections Sheet 4

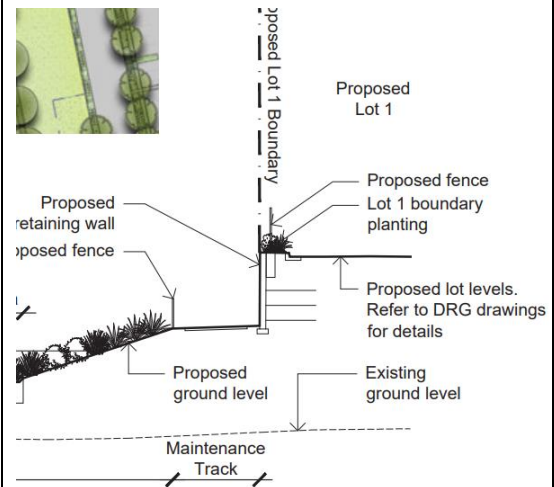


Figure 3: Excerpt from Site Image Landscape Master plan Sheet 0013

It is recommended that the applicant consider a more natural edge to the basin, with a battered retaining wall. Material selection is to be strongly considered as the western boundary of Lot 1 is significant in length and the development is to have a more elevated design presentation to Mamre Road.

- (i) Council does not support the increase in car parking hardstand areas within the landscaped front setback as is proposed under MOD 2. It is unknown if this is perpetuated in the design under MOD 3 as no dimensions are provided and no overlay diagram is provided.
- (j) Staging Plan and Riparian Area

It is unclear from the staging plan when the riparian corridor works along the northern boundary will be delivered. The delivery of the landscaping in this area is essential to cooling the Estate and assisting in providing a landscaped open drainage design.

Other nearby proposals currently under consideration are attempting to complement the original vision for this landscaped channel, as a replication of a riparian area.

The delivery of the riparian area and completion of the anticipated high-quality landscaping within are to be tied to the staging and be delivered, with requisite conditions of consent imposed to ensure the desired outcome is achieved.

The submitted staging plan includes the notation '*Application provisions for potential future riparian realignment to the northern boundary (subject to approval for realignment on adjoining property) – dashed red*'

It is recommended that the staging plan clarify what stage the riparian area completion will be in.

The plan of subdivision does not align with the landscaped riparian area. DPE is to ensure the entire riparian area is protected sufficiently so as to deliver the desired outcome and retain it for the life of the development.

(k) Retaining walls

It is recommended that DPE be satisfied in relation to the design of the proposed high retaining walls along the boundary interfaces, including along the southern boundary to ensure easements for maintenance and access, to ensure their locations and heights do not detrimentally impact development opportunities or proposed landscaping on the subject site and on the neighbouring sites.

(l) Clousten Associates Landscape Character and Visual Impact Assessment Report

Viewpoints 3, 5 and 7 demonstrate missed opportunities for additional mid-tier planting such as shrubs and small trees within the landscape design.

(m) ESD Report

The ESD Report prepared by Stantec does not address the correct legislative provisions applying to the site and instead addresses PLEP and Council's PDCP. The report is not clear on what ESD elements will be delivered by the development beyond a business-as-usual approach. DPE is to be satisfied the relevant applicable provisions of the SEPP and MRP DCP are met.

2. Development Engineering Considerations

- (a) Council's engineer advice was not available at the time of writing and will be forwarded under separate cover.

3. Environmental Health Considerations

(a) Noise

It is raised for consideration by DPE that MOD 3 proposes changes to warehouse configuration and design which results in new routes for heavy vehicles, increased numbers of heavy vehicles and increased loading dock activities.

MOD3 therefore has implications regarding noise levels and seeks to increase the current prescribed noise limits established by consent SSD10448 to have those noise limits increased to the noise levels predicted to result from MOD3.

The Noise Impact Assessment (**NIA**) supporting MOD3 predicts that noise levels at all residential receivers located off-site and outside the Mamre Road Precinct will comply with applicable Noise Policy for Industry (**NPfI**) criteria. Noise levels at IN1 Industrial receivers within the Aspect Industrial Estate (**AIE**) will be most affected (acknowledging that Noise Agreements apply to affected residential receivers zoned IN1 General Industrial until residential use ceases or a development

application for general industrial or employment uses applies to the land).

It is noted that the predicted increased noise levels (resultant of MOD3) that exceed the levels prescribed in the consent, do comply with amenity criteria recommended by the NPfI for industrial receivers. However, whilst this is the case, and whilst resultant noise levels will not exceed criteria at nearest off-site residential receivers, the decision as to whether it is appropriate to increase noise limits for MOD3 needs to be informed by further cumulative noise generation and impact assessment based on the fully developed and operational Estate and surrounds.

The Department has required additional noise impact assessment in its assessment of MOD2 and it is assumed that this will extend to consideration of MOD3 to ensure satisfactory and holistic assessment of appropriate noise level criteria and noise management outcomes.

MOD3 is not anticipated to have significant impact in terms of other environmental health management issues, that is, other than increased noise levels from heavy vehicle movements and loading dock activities.

Should you require any further information regarding the comments, please contact me on (02) 4732 8567.

Regards,



Kathryn Saunders
Principal Planner